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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/045,386	03/20/1998	JAY S. WALKER	WD2-97-557	9821

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EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED: 09/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliance
With 37 CFR 1.192(c)**

Application No.

09/045,386

Applicant(s)

WALKER ET AL

Examiner

Andrew Joseph Rudy

Art Unit

3627

klh

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 10 February 2004 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

To avoid dismissal of the appeal, applicant must file IN TRIPLICATE a complete new brief in compliance with 37 CFR 1.192(c) within the longest of any of the following three **TIME PERIODS**: (1) **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer; (2) **TWO MONTHS** from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. **EXTENSIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. ☐ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. ☒ The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. ☐ A single ground of rejection has been applied to two or more claims in this application, and
 - (a) ☐ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
 - (b) ☐ the brief includes the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☐ The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet

Continuation of 9. Other (including any explanation in support of the above items):

The Summary of Invention is deficient as it does not properly provide a brief summary for the multiple independent claimed inventions. Applicant is advised to carefully review the various independent claims in juxtaposition to the Summary of Invention and correct such error if the current Appeal Brief is represented for review.

It is noted that the 35 USC 101 rejections will be maintained. It is noted that claim 37 would be allowable with the removal of the 35 USC 101 issue.

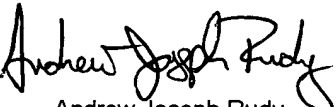
Also, the 35 USC 112 first paragraph rejection will be withdrawn.

However, a 35 USC 112 rejection regarding "successfully time consuming supplementary product offers correspond to successfully greater ranges of activity rates" in juxtaposition to the descriptive portion of the specification, e.g. page 8, will be implemented. Applicant is advised to clarify the descriptive portion of the specification and the claim language, e.g. claims 11 and 14. If such is accomplished claim 14 appears allowable over the prior art of record. Similarly, claim 11 would be allowable if clarification is provided and the 35 USC 101 issue is overcome.

Claim 26 is allowable over the prior art of record.

Further, a 35 USC 112 rejection regarding "offer speed" will be implemented for claims containing such language, e.g. claims 35 and 38.

It is suggested that to streamline prosecution, Applicant cancel claims directed towards subject matter that diverges from the subject material recited in one group of claims, i.e. claims 11, 14, 26 and 37, and prosecute these cancelled claims in another related application.

 9/3/04
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